

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

11	ANGEL FRALEY, et al.,	)	Case No.: 11-CV-01726-LHK
12	Plaintiffs,	)	ORDER RE: HEARING ON MOTION
13	v.	)	FOR CLASS CERTIFICATION
14	FACEBOOK, INC., a corporation; and DOES 1-	)	
15	100,	)	
16	Defendants.	)	

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On May 21, 2012, the parties in the above-captioned action represented that they had reached a settlement agreement in principle, although such agreement was conditioned on settlement with plaintiffs in the related case, *C.M.D. v. Facebook, Inc.*, Case No. 5:12-cv-01216-LHK (“*C.M.D.*”). *See id.* Based on that representation, and at the parties’ request, the Court continued the hearing on Plaintiffs’ motion for class certification from May 24, 2012, to May 31, 2012, at 1:30 p.m. *See id.* The Court agreed that if the parties in this action filed a notice of execution of term sheet with the plaintiffs in *C.M.D.* by May 25, 2012, the Court would further continue the hearing on Plaintiffs’ motion for class certification from May 31, 2012, to July 12, 2012. *Id.*

On May 23, 2012, the parties reported that “settlement dialogue has been active and underway over the past 48 hours with counsel in [*C.M.D.*],” but that “there is nothing definitive to

1 report to the Court other than to note that the dialogue is ongoing . . .” ECF No. 167. On May 24,  
2 2012, the parties filed another status report, reporting that “they have continued to engage in  
3 settlement discussions with counsel in [C.M.D.],” and that counsel for Plaintiffs in this action,  
4 counsel for Plaintiffs in *C.M.D.*, and counsel for Facebook have agreed to convene a two-day, in-  
5 person settlement meeting on June 4 and 5, 2012, in San Francisco. ECF No. 169 at 2.

6 The Court put the parties on notice that the May 31, 2012 hearing on Plaintiffs’ motion for  
7 class certification would not be continued unless and until the parties file a notice of execution of  
8 term sheet with the plaintiffs in *C.M.D.* The parties have not done so. Accordingly, the hearing on  
9 the motion for class certification remains as set for May 31, 2012, at 1:30 p.m.

10 **IT IS SO ORDERED.**

11 Dated: May 25, 2012

  
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LUCY H. KOH  
United States District Judge